

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

LAQUINN GILMORE,

Plaintiff,

v.

Civil Action No. 3:21CV00010

JOSEPH WOOD AND JOHN DOES 1-5,

Defendants.

JOINT RULE 26(f) REPORT

Plaintiff, LaQuinn Gilmore, and Defendant, Joseph Wood, by counsel, submit this Joint Rule 26(f) Report in accordance with Fed. R. Civ. P. 26(f). Counsel for the Parties certify that they met and conferred by phone on July 12, 2021 to discuss the above-styled matter. Jointly, the Parties state the following:

I. Parties in Attendance

- a. Jeffrey E. Fogel on behalf of LaQuinn Gilmore.
- b. Richard H. Milnor on behalf of Joseph Wood.

II. Scheduling Orders and Deadlines

The Parties agree to follow the scheduling deadlines within the Pretrial Scheduling Order entered by this Court on June 23, 2021 (ECF 12) for all matters.

III. ESI Discovery Plan

The Parties discussed the anticipated discovery of Electronically Stored Information (ESI), specifically attempting to define methods of production and to understand the

architecture to be searched. The Parties agreed to proceed cooperatively and in good faith pursuant to the Federal Rules of Civil Procedure and Local Rules of this Court. ESI will be requested with as much specificity as possible to minimize the required expense. All ESI will be produced in native format unless a specific document contains information protected by attorney-client privilege or work production protection. In a situation that falls under this scenario, a privilege log will be provided – the remainder of the documents stored as ESI shall be produced in native format. The Parties make these agreements to avoid unnecessary conferences with the court over whether or not a party is entitled to ESI in native format.

IV. Prospect of Settlement

The parties discussed the possibility of settlement and will revisit the conversation once discovery is under way.

V. Confidential Information and Privileged Information

All Parties have discussed the possibility of inadvertent disclosure of privileged information and agree to a clawback provision as follows:

Inadvertent disclosure of privileged information does not waive privilege. The receiving party will cease all review and will return any such inadvertently disclosed document upon request and shall not thereafter utilize that information absent resolution of any privilege dispute or motion to compel.

Respectfully submitted this 20th day of July 2021.

/s/ Richard H. Milnor
Richard H. Milnor (VSB No. 14177)

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/s/ Jeffrey E. Fogel

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Counsel for Plaintiff LaQuinn Gilmore

CERTIFICATE OF SERVICE

I, Richard H. Milnor, certify that on this day I electronically filed the Parties' JOINT RULE 26(f) REPORT via the CM/ECF system.

Respectfully submitted this 20th day of July, 2021.

/s/ Richard H. Milnor

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